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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,438	03/15/2004	J. Gilmore Childers	3499-270	3078

27383 7590 10/06/2006

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EXAMINER

LIE, ANGELA M

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/801,438	CHILDERS ET AL.	
	Examiner	Art Unit	
	Angela M. Lie	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/11/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The phrase a computer data signal embodied in a digital data stream" is not considered a statutory subject because digital data stream is not equivalent with memory storage, in other words it could be just a wave which in fact is a physical phenomena.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ryan et al (US 20040215793).

As to claims 1, 5, 10 and 15, Ryan discloses a computer-implemented method for managing risk through link analysis mapping, the method comprising: receiving into a memory of a computer system information descriptive of two or more persons (paragraph 262, wherein clearly the group or private network includes more than one user); generating in the computer system links associating two or more persons based upon the information received (paragraph 265 and paragraph 2); receiving into the memory of the computer system an identifier identifying person; and generating in the computer system a link associating the identified person with one or more other persons (paragraph 313, wherein the user is an identified person and friends are other persons).

Note regarding claim 5, Ryan also teaches a computer server (Figure 1, element 2) accessible with a system access device via a communication network; and executable software stored on the server and executable on demand (software that allows the server to connect the user end with the website (10)).

As to claim 2, Ryan discloses the method comprising the step of receiving into the computer system an indication of a particular type of link to be analyzed (paragraph 129, based on the specified attributes/links possible candidates' profiles are analyzed in order to determine if they are a good match).

As to claims 3, 8 and 11, Ryan discloses the method comprising the step of indicating in the computer system a degree of separation between the identified person and the linked person (paragraph 275).

As to claims 4, 9, 12 and 14, Ryan discloses a method wherein the person comprises at least one of: an individual, a group, an organization, a corporation and a entity (paragraph 113).

As to claim 6, Ryan discloses a computerized system wherein the system access device comprises at least one of a computer and a personal digital assistant (Figure 1, elements 6 and 7).

As to claim 7, Ryan indirectly disclosed a computerized system wherein the communications network conforms to the transmission control protocol/internet protocol (Figure 1, element 4, wherein internet has internet protocol in order to be able to transfer data between nodes).

As to claim 13, Ryan discloses a method of interacting with a network access device so as to manage risk, the method comprising the steps of: transmitting from the network access device a description of a person (Figure 1 and paragraph 262, wherein clearly the group or private network includes more than one user); transmitting from the network access device an indication of a degree of separation for which links to the person are desired (paragraph 275); receiving at the network access device an indication of links to one or more other person (paragraph 265 and paragraph 2); receiving at the network access device a description of each link (paragraphs 51 and 66).

The Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gordon (US Publication 20030078976) discloses a method and apparatus for linking users' profiles based on the specified attributes.

Inquiry

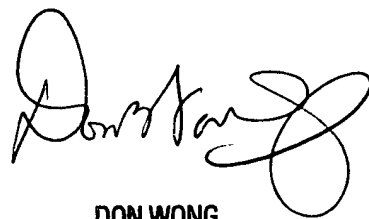
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela M. Lie whose telephone number is 571-272-8445. The examiner can normally be reached on M-F.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2163

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Angela M Lie



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